



IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BECKER et al.

Serial No.: 10/806,877

Filed: March 22, 2004

Atty. File No.: 4888-6

For: LASER AND LIGHT EMITTING
DIODE BODY IRRADIATOR
METHOD AND APPARATUS

INFORMATION
DISCLOSURE STATEMENT

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
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COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA,
VA 22313-1450 ON 3/21/05

BY: Sheridan Ross P.C.

2
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited non-patent and/or foreign references are enclosed herewith.
☐ Copies of the cited U.S. patents and/or patent applications are enclosed herewith.
☒ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 CFR 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☒ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. _____ filed _____

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"> (1) a final action under 37 CFR 1.113 or (2) a notice of allowance under 37 CFR 1.311, or (3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A Certification (below) as specified by 37 CFR 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 CFR 1.97(e) <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 CFR 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.

Certification (37 CFR 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 CFR 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

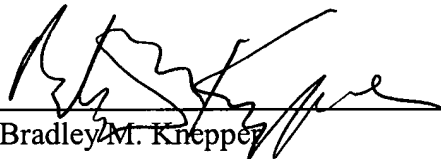
OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this statement. 37 CFR 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: _____


Bradley M. Knepper
Registration No. 44,189
1560 Broadway, Suite 1200
Denver, CO 80202-5141
(303) 863-9700

Date: _____

March 21, 2005

Substitute for form 1449A/PTO

Complete if Known

Application Number	10/806,877
Filing Date	March 22, 2004
First Named Inventor	BECKER et al.
Art Unit	
Examiner Name	
Attorney Docket Number	4888-6

**INFORMATION DISCLOSURE
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-2,072,205	03/02/1937	Halpern	
	2	US-3,014,156	12/19/1961	Osterhammel et al.	
	3	US-3,516,411	06/23/1970	Adler	
	4	US-3,648,706	03/14/1972	Holzer	
	5	US-3,785,383	01/15/1974	Dotto	
	6	US-3,818,914	06/25/1974	Bender	
	7	US-4,266,548	05/12/1981	Davi	
	8	US-4,408,602	10/11/1983	Nakajima	
	9	US-4,462,412	07/31/1984	Turner	
	10	US-4,535,784	08/20/1985	Rohlicek et al.	
	11	US-4,553,546	11/19/1985	Javelle	
	12	US-4,558,700	12/17/1985	Mutzhas	
	13	US-4,573,465	03/04/1986	Sugiyama et al.	
	14	US-4,580,557	04/08/1986	Hertzmann	
	15	US-4,614,190	09/30/1986	Stanco et al.	
	16	US-4,625,728	12/02/1986	Schonberg	
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	18	US-4,671,285	06/09/1987	Walker	
	19	US-5,083,034	01/21/1992	Frank et al.	
	20	US-5,156,613	10/20/1992	Sawyer	
	21	US-5,176,130	01/05/1993	Kim	
	22	US-5,405,368	04/11/1995	Eckhouse	
	23	US-5,445,146	08/29/1995	Bellinger	
	24	US-5,500,009	03/19/1996	Mendes et al.	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
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	25	US-5,511,563	04/30/1996	Diamond	
	26	US-5,514,168	05/07/1996	Friedman	
	27	US-5,521,392	05/28/1996	Kennedy et al.	
	28	US-5,527,350	06/18/1996	Grove et al.	
	29	US-5,549,660	08/27/1996	Mendes et al.	
	30	US-5,591,219	01/07/1997	Dungan	
	31	US-5,611,795	03/18/1997	Slatkine et al.	
	32	US-5,620,478	04/15/1997	Eckhouse	
	33	US-5,626,631	05/06/1997	Eckhouse	
	34	US-5,669,934	09/23/1997	Sawyer	
	35	US-5,683,436	11/04/1997	Mendes et al.	
	36	US-5,720,772	02/24/1998	Eckhouse	
	37	US-5,749,895	05/12/1998	Sawyer et al.	
	38	US-5,755,751	05/26/1998	Eckhouse	
	39	US-5,755,753	05/26/1998	Knowlton	
	40	US-5,766,233	06/16/1998	Thiberg	
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	42	US-5,800,478	09/01/1998	Chen et al.	
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	44	US-5,810,801	09/22/1998	Anderson et al.	
	45	US-5,814,039	09/29/1998	Prescott	
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	47	US-5,828,803	10/27/1998	Eckhouse	
	48	US-5,836,999	11/17/1998	Eckhouse et al.	
	49	US-5,871,524	02/16/1999	Knowlton	
	50	US-5,919,219	07/06/1999	Knowlton	
	51	US-5,925,034	07/20/1999	Buckley et al.	

Examiner Signature		Date Considered	
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	52	US-5,948,011	09/07/1999	Knowlton	
	53	US-5,964,749	10/12/1999	Eckhouse et al.	
	54	US-6,027,495	02/22/2000	Miller	
	55	US-6,030,374	02/29/2000	McDaniel	
	56	US-6,039,729	03/21/2000	Durville et al.	
	57	US-6,084,242	07/04/2000	Brown, Jr. et al.	
	58	US-6,094,595	07/25/2000	Takahashi	
	59	US-6,099,520	08/08/2000	Shimoji	
	60	US-6,156,028	12/05/2000	Prescott	
	61	US-6,157,854	12/05/2000	Haber et al.	
	62	US-6,165,250	12/26/2000	Albarran et al.	
	63	US-6,183,500	02/06/2001	Köhler	
	64	US-6,187,030	02/13/2001	Gart et al.	
	65	US-6,210,426	04/03/2001	Cho et al.	
	66	US-6,214,035	04/10/2001	Streeter	
	67	US-6,217,604	04/17/2001	Azure et al.	
	68	US-6,231,593	05/15/2001	Meserol	
	69	US-6,233,481	05/15/2001	Lawandy	
	70	US-6,235,016	05/22/2001	Stewart	
	71	US-6,238,424	05/29/2001	Thiberg	
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	74	US-6,241,753	07/05/2001	Knowlton	
	75	US-6,248,102	06/19/2001	Stewart	
	76	US-6,263,233	07/17/2001	Zavislan et al.	
	77	US-6,267,780	07/31/2001	Streeter	
	78	US-6,273,905	08/14/2001	Streeter	

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT****Complete if Known**

Application Number	10/806,877
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First Named Inventor	BECKER et al.
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	79	US-6,283,956	09/04/2001	McDaniel	
	80	US-6,290,714	09/18/2001	Streeter	
	81	US-6,312,451	11/06/2001	Streeter	
	82	US-6,350,276	02/26/2002	Knowlton	
	83	US-6,377,854	04/23/2002	Knowlton	
	84	US-6,377,855	04/23/2002	Knowlton	
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	87	US-6,387,089	05/14/2002	Kreindel et al.	
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	90	US-6,398,753	06/04/2002	McDaniel	
	91	US-6,425,912	07/30/2002	Knowlton	
	92	US-6,430,446	08/06/2002	Knowlton	
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	96	US-6,453,202	09/17/2002	Knowlton	
	97	US-6,454,791	09/24/2002	Prescott	
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	99	US-6,470,216	10/22/2002	Knowlton	
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	101	US-6,494,900	12/17/2002	Salansky et al.	
	102	US-6,524,329	02/25/2003	Benedict	
	103	US-6,544,255	04/08/2003	Stewart	
	104	US-6,592,611	07/15/2003	Zawada	
	105	US-6,600,951	07/29/2003	Anderson	

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	106	US-6,607,550	08/19/2003	Bertwell	
	107	US-6,623,512	09/23/2003	Heller et al.	
	108	US-6,629,971	10/07/2003	McDaniel	
	109	US-6,629,989	10/07/2003	Akita	
	110	US-6,641,600	11/04/2003	Kohler	
	111	US-6,645,230	11/11/2003	Whitehurst	
	112	US-6,645,231	11/11/2003	Caldironi	
	113	US-6,663,659	12/16/2003	McDaniel	
	114	US-6,676,655	01/13/2004	McDaniel	
	115	US-6,685,729	02/03/2004	Gonzalez	
	116	US-6,702,837	03/09/2004	Gutwein	
	117	US-6,743,222	06/01/2004	Durkin et al.	
	118	US-6,746,444	06/08/2004	Key	
	119	US-6,746,473	06/08/2004	Shanks et al.	
	120	US-6,749,624	06/15/2004	Knowlton	
	121	US-6,758,845	07/06/2004	Weckwerth et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ²	Number ⁴	Kind Code ⁵ (if known)				
	122	DE	-	2809007 A1	09/13/1979	Frank		✓
	123	FR	-	2371935	06/23/1979	Nogier		✓
	124	FR	-	2589-607	04/30/1987	Bernaz		✓
	125	FR	-	2598608	11/20/1987	Zimmer		✓
	126	FR		2571264	04/11/1986	Navarro		✓
	127	DD	-	157667	12/01/1982	Staub		✓
	128	RU	-	2072880,	02/10/1997	Grin		✓

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OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No. ¹	
	129	"Erchonia PL5000 - Chronic Pain Clinical Study Protocol," Erchonia Medical, Inc., February 17, 2003
	130	Hecht, J., <i>The Laser Guidebook</i> , McGraw-Hill, 2d Ed., 1992, pp. 10-11, 182, 414-416, 469-470
	131	Hecht, J., <i>Understanding Lasers: An Entry-Level Guide</i> , N.Y., IEEE 2d Ed., 1986, pp. 331-333, 357, 362-363, 367-369, 380-389
	132	Tunér and Hode, <i>Laser Therapy: Clinical Practice and Scientific Background</i> , Sweden, Prima Books AB, 2002, pp. 1-19, 26-114, 292-293, 298-377
	133	Bioscan, Welcome to Bioscan, 2 pages, 2004, at http://www.bioscanlight.com/default.asp , printed 7/27/2004
	134	Bioscan, Company Profile, 2 pages, 2004, at http://www.bioscanlight.com/profile.asp , printed 7/27/2004
	135	Bioscan, Bioscan Technology, 6 pages, 2004, at http://www.bioscanlight.com/technology.asp , printed 7/27/2004
	136	Bioscan, Frequency Asked Questions, 3 pages, 2004, at http://www.bioscanlight.com/faq.asp , printed 7/27/2004
	137	Bioscan, BioScan Systems, 2 pages, at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=SFNT&Store_Code=B , printed 7/27/2004
	138	Bioscan, Ankle Saver, 2 pages, at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=Prod&Store_Code=B&Product... , printed 7/27/2004
	139	Bioscan, BioFind and BioPack, 1 page, at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=CTGY&Store_Code=B&Categor... , printed 7/27/2004
	140	Bioscan, BioPack, 1 page, at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=PROD&Store_Code=B&Product... , printed 7/27/2004
	141	Bioscan, Hock Saver, 1 page, at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=PROD&Store_Code=B&Product... , printed 7/27/2004
	142	Bioscan, HoofBoot, 1 page, at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=PROD&Store_Code=B&Product... , 7/27/2004
	143	Bioscan, HoofPad, 1 page, at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=PROD&Store_Code=B&Product... , 7/27/2004

Examiner Signature		Date Considered	
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	144	Bioscan, The Knee (Carpus) Saver, 1 page at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=PROD&Store_Code=B&Product...,7/27/2004
	145	Bioscan, Light Patch, 1 page at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=PROD&Store_Code=B&Product...,7/27/2004
	146	Bioscan, LightCap, 1 page at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=PROD&Store_Code=B&Product...,7/27/2004
	147	Bioscan, Neoprene Devices, 5 pages at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=CTGY&Store_Code=B&Categor...,7/27/2004
	148	Bioscan, Spinal Pad, 2 pages at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=PROD&Store_Code=B&Product...,7/27/2004
	149	Bioscan, Tendon/Shin Saver, 1 page at http://www.bioscanlight.com/merchant2/merchant.mvc?Screen=PROD&Store_Code=B&Product...,7/27/2004
	150	U.S. Food and Drug Administration, 510(k) Premarket Notification Database, 2 pages, database updated 2004, at http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfPMN/pmn.cfm?ID=3449 , printed 7/6/2004
	151	Laser Therapeutics Low Level Laser Therapy, Home Page, 3 pages, at http://www.laserhealthsystems.com/main.htm , printed 7/15/04
	152	Low Level Laser Clinical Applications and Data, Clinical Applications, 7 pages at http://www.laserhealthsystems.com/Clinical.htm , printed 7/15/04
	153	Prof. Tiina Karu's Research Paper Done Exclusively ForUs, Cellular Mechanisms of Low-Power Laser Therapy, 12 pages at http://www.laserhealthsystems.com/Dr.%20Tiina%20Karu%20Presentation.htm , printed 7/15/04
	154	What is low level laser therapy, What is Laser Therapy?, 5 pages at http://www.laserhealthsystems.com/What%20is%20Laser%20Therapy.htm , printed 7/15/04
	155	About Laser Therapeutics Low Level Lasers, Softlaser, 4 pages at http://www.laserhealthsystems.com/About%20Laser%20Therapeutics.htm , printed 7/15/04
	156	Laser Therapeutics Personal Use Lasers, 2 page at http://www.laserhealthsystems.com/Softlasers.htm , printed 7/15/04
	157	Etrans low level lasers, The Unique All-New Etrans Softlaser, 2 pages at http://www.laserhealthsystems.com/Etrans.htm , printed 7/15/04
	158	Levelaser Simed low level lasers, 3 pages at http://www.laserhealthsystems.com/Levelaser.htm , printed 7/15/04

Examiner Signature		Date Considered	
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	159	Medicom low level lasers, 5 pages at http://www.laserhealthsystems.com/MediCom.htm , printed 7/15/04
	160	Omega low level laser systems, 2 pages at http://www.laserhealthsystems.com/Omega.htm , printed 7/15/04
	161	Omega Low Level Laser Therapy, LLLT and Laser Therapy, 3 pages at http://www.laserhealthsystems.com/omegaoofferings.htm , printed 7/27/2004
	162	Lasotronic Physical Therapy Laser Med-2000, 1 page at http://www.lasotronic.ch/index_eng.htm , printed 10/17/02
	163	Low Level Laser Therapy (LLLT):Omega Laser Systems Ltd., 1 page at http://www.omegalaser.co.uk/index.html , printed 7/29/2004
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